

LAW OFFICES OF THE
COCHISE COUNTY PUBLIC DEFENDER
P.O. Box 1856
Bisbee, AZ 85603
State Bar No. 00000500
Tel. :(520) 432-8440
Fax: (520) 432-8478

Janis H. Benson
Deputy Public Defender
State Bar No. 032829
Attorney for Minors
pdmeo@cochise.az.gov

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF COCHISE

In the Matter of:)	
)	No. JD201700058
PFLEGING-KAUHAIHAO,)	
Conrad)	JOINDER IN DCS'S RESPONSE
D.O.B.: 10/03/06)	OBJECTING TO
PFLEGING-KAUHAIHAO,)	MATERNAL GRANDPARENTS'
Devaki)	PETITION TO INTERVENE
D.O.B.: 09/30/07)	
PFLEGING-KAUHAIHAO,)	
Whisper)	(Hon. Terry Bannon)
D.O.B.: 12/19/08)	
)	
Person(s) Under 18 Years of Age.)	
)	

CONRAD, DEVAKI, and WHISPER PFLEGING-KAUHAIHAO ("the Children"), by and through their attorney, undersigned, join in *DCS's Response in Objection to Petition to Intervene*, filed in opposition to the Maternal Grandparents' *Verified Petition to Intervene*. The Children, through their attorney, support DCS' position that Priscilla and John Pfleging, the children's maternal grandparents ("Maternal Grandparents") are not entitled to intervention as a matter of right under Arizona Rule of Civil Procedure Rule 24(a), nor are the Maternal Grandparents entitled to permissive intervention under either Rule 24(b)(1) or Rule 24(b)(2).

In the alternative, if the Court were to find that the Maternal Grandparents should be allowed permissive intervention per Ariz. R. Civ. P. 24(b), then the party, or parties, opposing intervention must show that intervention is not in the children's best interests. *Bechtel v. Rose* 150 Ariz. 68, (1986) at 72. I would argue that said intervention by the Maternal Grandparents would NOT be in the Children's best interests for the following reasons:

- (1) The Children do not want to be placed with the Maternal Grandparents.

Conrad, Devaki, and Whisper have each stated this to me, their attorney, on more than one occasion. I've learned from the children's CASA that the children have told her the same thing. Furthermore, the children told the DCS case manager months ago that they do not want any contact with the Maternal Grandparents.


- (2) A request to place the Children with their Paternal Grandmother in Hawaii was made through the Interstate Compact for the Placement of Children (ICPC) several months ago and this ICPC is progressing. The Children stayed with their Paternal Grandmother in the past and they had contact with their extended paternal relatives—aunts, uncles, and cousins—in Hawaii. Conrad, Devaki, and Whisper have each stated to the DCS case manager, their CASA, and to their Attorney, that they want to live with Paternal Grandmother and be around their paternal relatives. The Children have frequent telephone contact with their paternal relatives and exchange cards and letters with them. If the Maternal Grandparents were allowed to intervene, it could prolong and unduly delay this dependency case and placement of the children with Paternal Grandmother.

WHEREFORE, the children, by and through undersigned counsel, respectfully requests
this Court DENY the Maternal Grandparent's Petition to Intervene.

RESPECTFULLY SUBMITTED this 9th day of November, 2018.

MARK A. SUAGEE
COCHISE COUNTY PUBLIC DEFENDER

BY:


Janis H. Benson
Deputy Public Defender

Copy of the foregoing delivered this
9th day of November, 2018 to:

Hon. Terry Bannon
Judge of the Superior Court
Bisbee, AZ 85603
*via inter-office mail***

Eric Levy
Asst. Attorney General
via email

Christopher Caine
Attorney for Mother
via email

Priscilla Pfleging
Maternal Grandmother
via email: imfound52@gmail.com

DCS
Attn: Isela Chavarria-Leslie
via email

CASA Program
via email